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Santa Clara Valley
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July 1, 1998

Mr. Rick Breitenbach
CALFED Bay/Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Re: Comments of the National Audubon Society~California and our 53 affiliated chapters on the CALFED Bay-Delta Draft Programmatic Environmental Impact Statement/Environmental Impact Report

Dear Mr. Breitenbach:

This letter represents the comments of the National Audubon Society~California and our 53 affiliated state chapters (hereinafter "Audubon") on the CALFED Bay-Delta Draft Programmatic Environmental Impact Statement/Environmental Impact Report (DEIS/R). Attached to this letter you will also find the specific comments of the Marin Audubon Society which we would like to incorporate by reference into our comments. In addition, we concur with the comments of the Riparian Habitat Joint Venture (RHJV) of which Audubon is a member and would like to incorporate by reference their July 1, 1998 letter and the December 28, 1997 letter signed by Audubon~California's Executive Director Dan Taylor. Although we were not signatories to the letter filed by the Environmental Water Caucus, we also concur with many of the points raised in their comment letter.

I. Introduction

Audubon has a longstanding interest in protection of the Bay-Delta estuary. It was over ten years ago that the Bay Area Audubon Council participated in Phase I of the State Water Resources Control Board Bay-Delta Water Quality hearings (see July 7, 1987 testimony of Steve Granholm attached as Exhibit 1). At that time, Audubon's main concerns centered around protection of the brackish marsh conditions of the Suisun Bay, and the concern that "reductions in freshwater inflows would cause further degradation of these tidal brackish marshes and a corresponding decline in

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wildlife habitat value of the Suisun Marsh as a whole (see Granholm comments, page 1)." Since that time, Audubon chapter have engaged in litigation with other environmental organizations challenging the adoption and enforcement of water quality standards for the Bay-Delta, and we have watched with grave concern the signing of the Bay-Delta Accord, and the subsequent unfolding of the CALFED process. Audubon believes that the CALFED process has both significant promise, and unfortunately, the potential for significant environmental harm. The attached letter from the Marin Audubon Society states very succinctly our greatest concern: satisfying the current demand for water has caused widespread degradation of the Bay-Delta estuary and upstream ecosystems, and environmental restoration and net benefits to the Bay, the Delta and the estuary's tributaries is mandated by law and common sense. The idea that CALFED can accomplish its goals without harming the environment is not enough. Audubon believes that for CALFED to truly be called a success, the eventual preferred alternative and common program elements must result in a net benefit to the health of the Bay-Delta ecosystem.

II. Overview

Because of our incorporation by reference of various other comment letters, Audubon will restrict our comments to two main areas: deficienies in the EIR/S related to Suisun Marsh and overall compliance with the California Environmental Quality Act and the National Environmental Policy Act (CEQA/NEPA).

In addition, although we have some serious concerns about the direction and specificity of the Ecosystem Restoration Program Plan (ERPP), we urge the CALFED staff to read carefully the comments of the Riparian Habitat Joint Venture (RHJV) on how we would like to see this important common program element improved.

III. Adequacy of the EIR/S In Relation to the Suisun Marsh

The DEIS/R fails to consider the impacts of the alternatives to most of the species discussed in the testimony of Dr. Stephen l. Granholm, representing the Bay Area Audubon Council, which was presented as Evidentiary testimony to the State Water Resources Control Board as part of Phase I of the Bay-Delta Estuary Hearing in July 1987.

In this testimony Dr. Granholm indicated that continued, or increased, diversions of fresh water from Suisun Bay and Marsh would result in the increased salinity of at least 5000 acres of Suisun's unmanaged brackish tidal marshes which would in turn lead to a change in habitat type from tidal brackish marsh to tidal salt marsh with a corresponding change in vegetative regime (from tules and cattails to pickleweed and cordgrass) and a corresponding change in the species composition of those species using these marshes.

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In particular, Dr. Granholm concluded that the following Special Status Species would all be negatively impacted by increased salinization of the unmanaged brackish tidal marshes found in Suisun Marsh.

Special Status Species: River otter, (Lutra canadensis), Snowy Egret (Egretta thule), Black-crowned Night-heron (Nycticorax nycticorax), Salt Marsh Yellowthroat (Geothlypis trichas sinuosa)--if it breeds in Suisun brackish marshes, Suisun Song Sparrow (Melospiza melodia maxillaris).

Dr. Granholm also concluded that the following Representative Birds and Mammals of Suisun Bay Tidal Marshes would all also be negatively impacted by increased salinization of the unmanaged brackish tidal marshes found in Suisun Marsh.

Representative Birds and Mammals of Suisun Bay Tidal Marshes: beaver (Castor canadensis), mink (Mustela vison), American Bittern, Mallard, Northern Pintail, Cinnamon Teal, Northern Shoveler, Gadwall and Ruddy Duck, Virginia Rail, Sora, Common Moorhen, Marsh Wren, and the Common Yellowthroat.

Except for the Suisun Song Sparrow and to a very small degree, the Salt Marsh Yellowthroat, none of these species receive individual treatment yet, as Dr. Granholm states, "the brackish tidal marshes of Suisun Bay are valuable wildlife habitats in their own right, and they also contribute significantly to the great habitat diversity of the Suisun Marsh complex. Because they represent the natural marsh ecosystem and have already been severely depleted, no more tidal marshes should be converted to managed, salt marsh, or other uses in Suisun Bay."

Understandably, the ERPP and the DEIS/R focus a lot of attention on listed threatened and endangered species with a overwhelming emphasis on impacts to listed fish species. However, CEQA requires all significant environmental impacts to be analyzed, not just impacts to listed species.

While avian and mammalian species receive passing recognition in the DEIS/R their treatment is indeed minimal. By ignoring these species it is possible that local extirpations in Suisun Bay may result if Suisun Bay's unmanaged brackish tidal marshes become tidal salt marshes. Therefore, we believe the DEIS/R violates CEQA and NEPA in its failure to adequately address impacts to these species. We ask that there be a new in-depth analysis of the impacts to these species in the next draft DEIS/R with appropriate mitigation.

In addition to the failure to adequately analyze the impacts to these brackish tidal marsh species, the ERPP and DEIS/R fails to analyze the impacts to the Suisun unmanaged brackish tidal marshes themselves. This occurs because the ERPP and DEIS/R fail to include brackish tidal marshes as a separate category both in the "Visions for Habitats" (ERPP pg. 93) for Suisun Bay and Marsh Ecological Unit (ERPP, pg. 91 and following), and in the DEIS/R itself . Essentially, brackish tidal

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marsh is lumped in with all other non-freshwater marshes as "Saline Emergent Wetlands (Tidal)" (ERPP, pg. 93).

Although brackish tidal marshes are mentioned there is no analysis of impacts to them ,and all mention is in passing with no discussion. For example, on page 7.2/14 the DEIS/R states that the saline and brackish emergent marsh habitat.. supports population of two plant species that are federally listed as endangered..." As one can see, there is no real distinction made between the two types of marsh and one cannot determine which salinity regime is most essential for these plants. Additionally, the ERPP fails to provide an Implementation Objective, and the DEIS/R fails to provide a mitigation proposal, for impacts to these plant species.

The DEIS/R states that, "Suisun Marsh supports mostly saline emergent wetlands, which provides habitat for salt marsh species that prefer infrequently flooded salt marsh habitat (7.2-13)..." and further states that..."[C]ommon plant species associated with saline emergent wetland include cordgrass (Spartina sp.), pickleweed (Salicornia sp.) and saltgrass (Distichlis spicata) (pg. 7.2-14)". Yet, as Dr. Granholm states, the 10,000 acres of Suisun "brackish marshes consist primarily of tules and cattails...(see testimony pg. 2)" and as we have seen from Dr. Granholm's analysis, Suisun Marsh supports an array of species that are predominantly adapted to brackish tidal marshes not to salt marsh. Thus the DEIS/R fundamentally mischaracterizes and underestimates the importance of Suisun's unmanaged brackish tidal wetlands.

In fact, the entire treatment of Suisun Bay is inadequate and confusing. Suisun Bay has 44,000 acres of managed freshwater/brackish marshes that are managed almost exclusively for duck habitat. The DEIS/R states that Suisun Marsh consists of 80,000 acres (6.1-22).

Suisun Bay also has approximately 10,000 acres of unmanaged brackish and salt marshes (primarily brackish with small amounts of the higher tidal marsh likely to be salt marsh). Of these 10,000 acres of brackish marsh Dr. Granholm and Drs. Williams and Josselyn (Willams, P.B. and M. Josselyn. 1987. Recommendations for salinity standards to maintain the wetlands of Suisun Marsh. Prepared for San Francisco Bay Conservation and Development Commission -submitted by BCDC as an exhibit for Phase I Hearing,) estimate that more than 5000 acres will turn increasingly saline if actions current conditions continue (the current string of wet years has probably slowed the increase of salinization temporarily). Yet nowhere in the DEIS/R could we find mention of these 10,000 acres of unmanaged brackish tidal marsh.

To substantiate our point, we remind you that the Suisun Marsh Salinity Control Structure was constructed in order to keep the managed marshes of Suisun fresh and/or brackish (ERPP pg. 88) because these marshes were turning to salt marsh as a result of additional influx of salt water into these marshes resulting from

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increased diversions. Again, the salinity standards found in Decision 1485 (as later modified to remove the S-36 standard) makes it clear that the State recognized that the brackish marshes were turning into salt marshes and that these are two very different types of tidal marsh habitat supporting very different species compositions. Thus it is very misleading, disingenuous and scientifically inexcusable for the DEIS/R to lump brackish and salt tidal marshes into the same category.

For all the above reasons, we ask that the next draft DEIS/R include "unmanaged brackish tidal marsh" as a specific and unique habitat type. Likewise, the ERPP, under the "Visions for Habitat" section of the Suisun Bay section, should treat Suisun's unmanaged brackish tidal marshes as a specific habitat type. The next draft DEIS/R must then also address the impacts of the various alternatives to these 10,000 acres of unmanaged brackish tidal marsh and to the species dependent upon them. The draft DEIS/R must also propose mitigation for these impacts.

We remind you that Suisun's 10,000 acres of unmanaged brackish tidal wetlands represents more than 2% of the State's entire amount of wetlands and undoubtedly an even greater percentage of the State's total amount of brackish tidal marsh. We believe that impacts to this habitat type in Suisun Bay have statewide implications in terms of diversity and abundance for species dependent upon this habitat.

Since neither the ERPP nor the EIR/S/EIS/R specifically addresses the impacts, or even analyses the specific habitat and hydrologic regime of Suisun's unmanaged brackish tidal wetlands, the DEIS/R cannot and does not address the question of how much fresh water inflow will be needed in Suisun Marsh in order to keep it brackish. Thus the ERPP and DEIS/R must include a hydrologic analysis that indicates what flow regime is necessary to maintain the brackish nature of these unmanaged brackish tidal marshes and how each alternative effects this need. This must be addressed in the next DEIS/R and a revised ERPP.

The ERPP proposes, as its implementation objective for saline emergent wetland habitat, to "restore tidal action to 5,000 to 7,000 acres in Suisun Bay and Marsh Ecological Unit. (pg. 104)." Because of the vagueness of the term saline emergent wetland and the confusion engendered by its use when discussing Suisun Bay and its wetlands, one cannot determine which specific species will be helped by this restoration because one cannot tell what kind of wetland is to be restored. Will it be fully salt marsh or brackish or, worst of all, somewhere in between? This needs to be clarified. If salt marsh is envisioned, the brackish marsh species listed at the beginning of this section may be significantly impacted and mitigation must be proposed.

IV. Adequacy of the EIR/S In Light of the Requirements of the California Environmental Quality Act and the National Environmental Policy Act (CEQA/NEPA)

The draft EIS/R fails to meet the legal requirements for a sufficient programmatic review under CEQA and NEPA. Programmatic EISs and EIRs have the same fundamental purpose as site specific EISs and EIRs: to inform the public and decision-makers of a program's environmental consequences before decisions are made. A programmatic EIS/R must provide the basis for decision-makers to determine whether subsequent actions may have significant environmental effects. It should address the environmental effects of the proposed program as specifically and comprehensively.

To the extent that the EIS/R omits relevant information, it effectively precludes the informed decision making that is the central objective of CEQA and NEPA. Thus, for example, the EIS/R must consider alternatives that would substantially avoid or reduce the adverse impacts of the program, even if such alternatives would impede to some degree the attainment of the project objectives. Similarly, the document must contain enough information about each alternative to allow meaningful evaluation and comparison of impacts.

Thus it is not sufficient for a programmatic EIS/R to merely provide general policy guidelines as to relevant environmental factors; it must ensure that decision-makers con sider all of the specific and particular consequences of its actions and the alternatives available to them. This standard is particularly crucial at the programmatic analysis conducted in the programmatic review. CALFED may not defer analysis of key environmental impacts to the project specific stage. As the courts have found, "tiering is not a device for deferring identification of significant environmental impacts that the adoption of a specific [alternative] can be expected to cause." Stanislaus Natural Heritage Project v County of Stanislaus, 48 Cal. App. 4th 182 (1996). The adequacy of the environmental impact analysis in the CALFED EIS/R is all the more important since the agencies intend to use this document as the project specific environmental review for at least part of the program.

As discussed below, the draft EIS/R must be substantially revised and expanded to provide the public and decision-makers with the information necessary to make sound decisions about the CALFED Bay-Delta program:

1.) The DEIS/R does not represent an adequate basis for decision making. As discussed in detail in the Environmental Water Caucus letter, the analysis in the DEIS/R is incomplete. In particular, the DEIS/R contains numerous information gaps, lacks key technical and economic analyses, and fails to consider an

appropriately wide range of alternatives. Audubon is encouraged that CALFED has recognized the document's shortcomings and has agreed to provide further environmental documentation prior to reaching a final decision.

2.) The DEIS/R fails to fully articulate and analyze "soft path" approaches. The position of Audubon continues to be that California must first improve efficiency of existing water use and the operation of existing facilities, through conservation, recycling, transfers, conjunctive use, and operational changes, before developing new water supply projects or other expensive new facilities.

We urge CALFED to look at how system reoperation, coupled with conservation, can meet all of the program goals Rather than rushing to build the next generation of water projects (and asking the public to pay for them), CALFED should instead explore and implement any number of readily-available alternatives – such as water banking in existing facilities, acquisition of existing dams,[1] appropriately structured conjunctive use programs, water management benefits of wet meadow, floodplain, and riparian restoration, and a host of fiscal and market-based approaches – which can be used to promote improved water supply reliability and water use efficiency in a way that takes full advantage of California's already massively-plumbed waterscape. These are, we believe, the most cost-effective, flexible, and environmentally benign ways to achieve our common objectives over time. The DEIS/R fails entirely to establish that new storage is necessary to achieve CALFED's goals, nor does it include adequate analysis demonstrating that an isolated conveyance facility will benefit endangered native fishes or is necessary to meet water quality objectives.

3.) All program elements should have clear goals, measurable objectives, and performance standards at the level appropriate for a programmatic document. As a programmatic document, the DEIS/R should contain specific goals and objectives for every program element. It will be necessary to develop these goals in order to monitor progress, to provide adequate assurances, and to develop criteria for phased decision-making.

While the strategic plan for the Ecosystem Restoration Program Plan (ERPP) lays out a path to develop goals and objectives for that program element, we strongly urge that these standards -- clear, measurable goals and objectives; the use of a strategic planning approach that relies on managing adaptively, testing hypotheses, and setting priorities; and independent scientific review -- be applied to all other major components of the long-term solution.

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[1] For example, the Pacific Gas and Electric Company announced in mid-June ~~last week~~ that it will decide by this summer whether to sell or spin off to shareholders some 68 hydroelectric plants in California involving approximately 3.2 MAF of surface storage capacity with an estimated book value of $1.2 billion.

4.) CALFED must better evaluate interrelationships of program elements
While the DEIS/R makes many references to the links between the various program elements, the impact analysis does not reflect these links. CALFED must do a more thorough analysis of the impacts of program links. For example, the water quality benefits of water use efficiency actions should be quantified. These links should be modeled so that impacts can be appropriately reflected in the DEIS/R, and monitored, so that feedback can be incorporated into later phases of the CALFED program. Where quantification is not currently possible, CALFED should outline a strategy to develop such information during the early phases of program implementation

5) The DEIS/R fails to establish a comprehensive environmental and financial baseline. A more comprehensive accounting of <u>all</u> aspects of Bay-Delta water development is essential to clarify the starting point of the CALFED program and to monitor and evaluate the future impacts of the CALFED program. If it is to meet its own "durability" objective, a CALFED solution must include meaningful and comprehensive groundwater management, a finite water-depletion budget, comprehensive water metering, and a robust and protective ecosystem baseline, from which we can evaluate changes..

6) Table 3-1 summarizing the environmental consequences of CALFED Bay-Delta Program Alternatives fails to recognize many of the benefits of water conservation programs. Specifically:

- The water quality benefits from improved water use efficiency, including reduced loads of pesticides, trace elements such as selenium, salts, and sediment, are not included under the description of how the common programs benefit water quality.[2]

- Under water supply and management the Table fails to include the ability of water use efficiency measures to improve water supply reliability.

- Under Agricultural Economics the analysis fails to indicate how water use efficiency measures can improve sustainability by enabling farmers to maintain the same level of economic productivity by maintaining or increasing yield even with a reduced water supply. Water use efficiency can also save costs on other inputs such as pesticides and fertilizers, by allowing more efficient applications, as well as saving on energy costs.

- Under agricultural social issues the analysis fails to account for jobs that may be created by more intensive irrigation water management.

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[2] For more information on these water quality benefits see *Agricultural Solutions: Improving Water Quality in California Through Water Conservation and Pesticide Reduction*, (by Ronnie Cohen and Jennifer Curtis, NRDC: 1998.)

7) The water quality element must be better integrated with other program elements such as the ecosystem restoration and water use efficiency common programs.
While integration of the various common program elements is a critical step in implementation of the CALFED program, little progress has been made in quantifying water quality benefits (or adverse impacts) from other common programs. The next draft should identify these interconnections more specifically and outline the research necessary to more fully evaluate potential impacts of proposed actions.

Absent a better understanding of how the ecosystem, water use efficiency, watershed management, levee programs, will affect delta water quality, it is premature to make a decision on conveyance. For instance it is not possible to quantify potential reductions in total organic carbon-- a significant drinking water treatment concern without integrating the impacts of all of the above programs. The same can be said for the quality of agricultural drainage return flows and reductions in pathogen loads.

8) The DEIS/R also does not adequately evaluate the impacts on delta water quality of changing the relative balance of Sacramento and San Joaquin waters in the delta. Each of the conveyance alternatives as proposed could have dramatic consequences on loadings of various parameters of concern.
The impacts of diverting or rechanneling substantial amounts of Sacramento River flows, barricades at Old River and other proposed approaches could dramatically alter contaminant loadings in the Delta such as selenium and pesticides. Dredging under the conveyance alternatives could unleash huge loads of metals like mercury and copper into the system with consequences for fish and human health alike.

9) CALFED has failed to examine a reasonable range of alternatives. The DEIS/R has looked only at structural options for addressing water management issues.

In its next round of environmental review CALFED should consider an alternative that maintains the existing Delta configuration (with minor changes such as moving the Clifton Court intake to the northeast corner and installing more effective screen and bypass systems) but operates this configuration to maximize restoration potential. This should include modeling operation of a fish-friendly pumping schedule, delayed filling of San Luis Reservoir, flexible export/import ratios to decrease impacts during low flow periods, etc. These scenarios should also include expanded use of water transfers, conjunctive use, conservation and recycling to mitigate economic impacts, if any, of this operational regime.

Fishery sampling and monitoring programs have documented the long term decline of anadromous and estuarine fish in the Central Valley watershed which has coincided with increased water exports from the Delta. Impacts on fisheries

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include both direct entrainment effects as well as indirect effects. CALFED must better determine mortality associated with indirect effects of water export prior to increasing export capability in the Delta.

10) CALFED vastly underestimates the potential for groundwater storage. The currently unused aquifer space is certainly several times greater than the CALFED target of 750,000 AF.

CALFED's own analysis shows that the groundwater storage potential at just three sites exceeds their target by 250,000 acre feet. Many people have dismissed the potential to increase water system yield with groundwater banking with the argument that it is impossible to develop the recharge capacity to capture a significant amount of unused flood flows. This argument is based on the erroneous assumption that the only way to increase system yield is to build large new conveyance and groundwater storage infrastructure that can capture unused flood flows. Such infrastructure would have to handle very large volumes of water in short periods of time and would be clearly unfeasible. CALFED should explore different, non structural method of increasing system yield by delivering water in surface reservoirs, directly or indirectly, to groundwater reservoirs throughout the year, thereby freeing up space in existing reservoirs to capture a larger fraction of large flood flows when they do occur.

The absence of comprehensive groundwater management or even universal water measurement will hinder maximum conjunctive use. By failing to include such mechanisms in it's DEIS/R CALFED has unnecessarily limited the potential of what is likely to be the most environmentally benign water storage option.

11) The draft EIS/R fails entirely to provide the public or decision makers with a sense of the options available to assure the program elements.

The draft never asks the basic question: What do we need to do to ensure that the Ecosystem Restoration Program (or any other program) is fully implemented so as to achieve its substantive goals? The draft lists "tools," and "management structures," and "guidelines" for an assurance package, but it never sets forth the basic elements necessary to guarantee that the ecosystem restoration program will achieve its objectives.

For example, ecosystem restoration will not be achieved without a secure source of both water and funding. There is no discussion in the EIS/R of the alternatives available to achieve these assurances. The draft EIS/R fails as well to evaluate the potential environmental impacts associated with different assurances approaches. For example, using water transfers to assure the water necessary for the restoration program could result in very different environmental impacts than the dedication of water through an environmental water right.

It is revealing that neither the EIS/R nor the technical appendices deal directly with assurances but instead approach this issue through the more limited question of

how to "implement" the program. However, the Implementation Strategy fails to identify, much less examine assurance issues but focuses instead on the "process" for obtaining public consensus. While consensus is laudable and important, the CALFED agencies are still obligated to provide full and clear information to the public about assurances issues regardless of the work group's progress. The draft EIS/R even fails to mention the one assurance issue that enjoyed unanimous consensus; the notion that the Ecosystem Restoration Program should be implemented by a new entity.

The purpose of an assurance package should be to ensure program outcomes. For example, in the case of the Ecosystem Restoration Program and the Conservation Strategy, this means that the assurances package should have as its objective achievement of the performance standards established for the restoration efforts. Similarly, performance standards should be established for the other program elements, and the assurances package should be tied to achieving those goals.

For the ecosystem restoration element, the revised EIS/R should examine the package of assurance mechanisms listed below:

1. Strong ERPP with measurable performance standards
2. Legal mandates to achieve performance standards
3. Institution dedicated to program implementation with sufficient authority
4. Provision of environmental water
5. Secure, adequate, and pliable long-term funding for ecosystem restoration and water acquisition
6. Enforcement of baseline environmental statutes
7. Physical constraints on new water developments
8. Controls on water project operations
9. Phasing/linkages of program elements
10. Remedies in the event that program commitments are not fulfilled

12) The No Action Alternative is critical in establishing the baseline from which the project alternatives will be evaluated. CALFED's No Action Alternative contains numerous flawed assumptions.

As discussed above, in a number of instances, the No Action alternative relies on conclusions in DWR's Bulletin 160-93 or 160-98. Bulletin 160, however, is fundamentally flawed because it lacks basic economic criteria necessary to address the balance between supply and demand.

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Because of its methodological flaws, Bulletin 160 consistently overestimates the demand for water in California and underestimates the ability of water conservation to address demand. Perhaps the most glaring instance of the No Action alternative's misplaced reliance on Bulletin-160 is the assumption of up to 1.2 million acre-feet of additional diversions. (See for example the DEIS/R p.2-6 and p. 6.1-11). CALFED's No Action alternative, as currently drafted, has incorporated these significant flaws. Therefore, we strongly urge you to reconsider your reliance on Bulletin 160.

The No Action alternative errs in assuming that there will be very little or no change between existing conditions and conditions in 2020, in numerous key instances, including but not limited to:

- The assumption of no new listings under the state and federal endangered species acts (notwithstanding the assumption of over one million acre feet of additional diversions; NMFS's proposed listing of the spring-run chinook salmon; the California candidate species status of the spring-run chinook salmon; NMFS's recent listing of the steelhead trout as a threatened species; and numerous pending petitions to list both aquatic and terrestrial species within the CALFED project area); and

- The assumption that only 45,000 acres of drainage-impaired lands in the San Joaquin Valley will be retired, notwithstanding the findings of the "Rainbow Report," $50 million in funding over the next five years for the CVPIA land retirement program; and roughly 30,000 acres in offers by willing sellers in just one year of the CVPIA land retirement program; and

- The assumption that Trinity River instream fishery releases will remain at 340,000 af, notwithstanding that this is the minimum amount established in § 3406(b)(22) of the CVPIA and that the Trinity River Flow Evaluation Study is considering flows ranging from 369,000-815,000 depending on water year type

The No Action alternative leaves many unanswered questions. For example, while it assumes the "dedication of 800,000 af" by 2020, it says nothing about how that water will be dedicated or whether populations of anadromous fish will be doubled by then, as required by federal law and by the narrative salmon standard in the Bay-Delta Accord. In addition, the No Action alternative fails to discuss what happens to the water associated with retired lands.

V. Conclusion

In closing, Audubon continues to believe that CALFED offers a tremendous opportunity to address the underlying problems that have brought the Bay/Delta ecosystem to its current degraded condition, and to craft a solution that restores this precious natural system. The questions that CALFED seeks to answer are complex.

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We urge you to take the time necessary to craft a durable solution, and to refrain from making any irretrievable commitment of resources until you can better answer the many questions we and others have raised about how the proposed solutions are likely to perform, Finally, we urge you to continue to rely on the public process, which is what gives the CALFED program its credibility.

Thank you for considering our comments.

Sincerely

John McCaull

John McCaull
California Legislative Director
National Audubon Society~California

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